

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF NEW YORK

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IN RE:

Joseph A. DiMino, Jr.,

DEBTOR

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CHAPTER 13  
CASE NO. 23-30672  
MOTION FOR PARTIAL RELIEF  
FROM AUTOMATIC STAY TO  
ALLOW MATRIMONIAL ACTION  
TO PROCEED IN STATE COURT

Neil T. Bhatt, attorney for the Debtor, respectfully moves this Court for an Order Approving Debtor's Settlement Agreement and Proposed Judgment of Divorce and approve attorney's fees. In support of this Motion, the attorney for the Debtor respectfully represents as follows:

1. I am attorney for the Debtor with respect to the above-referenced case.
2. I make this Motion based upon my discussions with Debtor, and Debtor's matrimonial counsel with respect to the matrimonial proceeding, and also with familiarity with all the pleadings and papers filed heretofore with respect to the above-referenced case.
3. There is pending in Onondaga County Supreme Court an action for divorce entitled Jordana DiMino, Plaintiff – against – Joseph A. DiMino, Jr., Defendant; Index No. 004423/2023. The primary focus of the action is the dissolution of the marriage of Joseph A. DiMino, Jr. and Jordana DiMino, along with division of marital assets, debt allocation and determination of child custody and support and alimony, if any, along with other matters properly within the jurisdiction of the State Court.
4. Debtor is currently in Chapter 13 bankruptcy. The Provisions of 11 U.S.C. §362

prohibit the action from going forward without an order providing relief from stay.

5. Debtor requests an order allowing the matrimonial action to proceed either to settlement or, if necessary, to trial regarding the above issues.
6. The parties will seek a judgment of divorce by the Onondaga County Supreme Court Judge.
7. Debtor is representing himself with respect to the matrimonial proceeding.
8. Debtor, your deponent and matrimonial counsel all recognize that no judgment or order can be entered in State Court until it is specifically approved for notice and hearing by the U.S. Bankruptcy Court and that no transfer, division of property either by settlement or after litigation may occur prior to receipt of such approval.

WHEREFORE, Debtor respectfully requests an order:

- 1) Lifting stay to allow Debtor to pursue his matrimonial proceeding in Onondaga County Supreme Court; and
- 2) Lifting stay to allow the parties to enter into negotiations regarding resolution of matrimonial issues and/or child support or alimony, if any; and
- 3) Approving attorney's fees in the amount of \$500.00.
- 4) For such other and further relief as to the Court deems just and proper.

DATED:

20 Feb  
2024.

  
Neil T. Bhatt, Attorney for Debtor